



03-13-02

GP/1775

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Preikschat, et al.

Docket No. 2156-417

Serial No.: 09/904,993

Group Art No. 1775

Filed: July 13, 2001

Examiner: Robert Koehler

Title: Unknown

U.S. Patent and Trademark Office

P.O. Box 2327

Arlington, VA 22202

Attn: Ms. Jacqueline M. Stone, Director Technology Center 1700

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TRANSMITTAL

I. Enclosed please find the following items regarding the above referenced patent application:

1. Supplemental Submission To Protest Under 37 C.F.R. 1.291 (a) of Application No. 09/904,993 (2 sheets)
2. Certificate of Service (1 sheet)
3. Information Disclosure Citation Form For Protest Under 37 C.F.R. 1.291(a) (1 sheet)
4. Cited References

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on March 11, 2002 with the United States Postal Service via Express Mail No. ET138958514US in an envelope address to:

U.S. Patent and Trademark Office

P.O. Box 2327

Arlington, VA 22202

Attn: Ms. Jacqueline M. Stone, Director Technology Center 1700

Sandy Gregoire  
SANDY Gregoire

Date: March \_\_, 2002

Respectfully submitted,

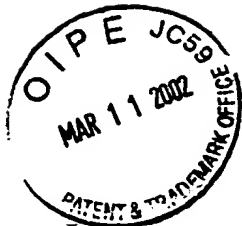
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In re:

Preikschat et al.

Application No.: 09/904,993

Group Art Unit: 1775

Filing Date: July 13, 2001

Examiner: Robert Koehler

Title of Invention: Unknown

Current Status &amp; Location: Unknown

ATTENTION: Jacqueline M. Stone, Director, Technology Center 1700

RE: Supplemental Submission To Protest Under 37 C.F.R. 1.291(a)

Protestor submitted a protest of Application Serial No. 09/904,993 on February 4, 2002. Since that time, Protestor has become aware of the existence of another prior art document that is believed to have a bearing on the instant application currently pending in the Office.

Protestor would like to call Examiner's attention to the following additional prior art reference (including copies thereof) that would make the grant of a patent on the referenced application improper:

BNF Metals Technology Centre, EP 0 034 040 A1, August 19, 1981 (hereinafter the '040 patent).

The earliest possible priority date for the 09/904,993 application is April 19, 1996, by benefit of a claim of priority to the '704 patent. As is readily seen, the '040 patent was published more than one year prior to the earliest priority date of the instant application and is therefore available as prior art references under 35 U.S.C. 102(b) and 35 U.S.C. 103.

#### Summary of the Relevant Teachings of the '040 Patent

On page 9, lines 14-27, the '040 patent teaches conversion coatings containing  $\text{Cr}^{\text{III}}$  ions and additional ions that do not have adverse effects on the conversion coatings or interfere with the other components in the system. The '040 patent expressly states that  $\text{Cr}^{\text{VI}}$ ,  $\text{Ni}^{\text{III}}$ , and high oxidation state Mn ions are excluded from solutions used to carry out the method of the invention. Examples 15-18 and 22, beginning on page 26 of the '040 patent, disclose levels of corrosion protection of 100+ hours in a neutral salt spray test.

The treating solutions disclosed by the '040 patent contain  $\text{Cr}^{\text{III}}$  and a weak complexing agent. Typical weak complexing agents include hypophosphite ions, acetate ions, formate ions, citrate ions, and glycine and glycollate ions. The '040 patent, on page 5, lines 10-15, discloses that when a weak complexing agent is used, the concentration of the  $\text{Cr}^{\text{III}}$  ions is within the range of about 0.5 to 20 g/l as the metal ion.

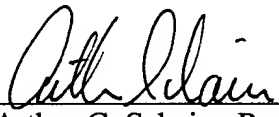
The '040 patent, on page 10, lines 6-10 discloses that typical substrates include zinc surfaces. The '040 patent, on page 12, lines 2-11, discloses that the solution is normally at ambient temperature, but that higher solution temperatures may be employed. In the absence of a weak complexing agent for metal ions, the temperature should not be above 50°C, and with a weak complexing agent, temperatures up to about 80°C can be tolerated.

The '040 patent, on page 16, lines 12-21, teaches that period of time of contact will depend on the thickness of the layer desired and is generally from about 5 seconds to 20 minutes, and more preferably is from about 30 seconds to 5 minutes.

The '040 patent on page 7, lines 5-10, discloses that the treating composition contains an oxidizing agent such as sodium nitrate, and on page 9, lines 6-27, teaches that the treating composition may also contain chloride ions or an additional metal ion such as Mg, Al, Zn,  $\text{Mn}^{\text{II}}$ ,  $\text{Ti}^{\text{III}}$ , or  $\text{Ti}^{\text{IV}}$ .

### CONCLUSION

It is respectfully requested that Examiner take this additional reference into consideration, along with the prior art references previously submitted, prior to granting a patent on the instant application.

  
Arthur G. Schaier, Reg. No. 37,715  
Protestor



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing supplemental submission of prior art for the Supplemental Submission To Protest Under 37 C.F.R. 1.291(a) of Application No. 09/904,993 was served by mailing a copy to John Murtaugh, Pearne, Gordon, McCoy & Granger, 1200 Leader Building, Cleveland, Ohio, 44114, attorney of record for the above issued patent, by express mail, post office to addressee, postage prepaid on March 11, 2002.

Arthur Schaier, Reg. No. 37,715  
Protestor